

Dear Commissioners, et al.:

Here in Southern California, indeed throughout the country, the very few non-commercial, non-religious radio broadcasters are mostly dependent upon traditional funding streams and programming sources, such as those generated by NPR, MPR, and APR. Religious programming, such as that offered by EMF, is no less constrained, no less non-local. While these entities offer fine general programming, such programming does not give much room for local voice, nor does it afford opportunities for local people to learn the vernacular, mechanics and art of expression and communication via the uniquely accessible medium of radio. This results in less development of talent, human resources and varied perspectives on the public airwaves.

The result: increasingly centralized programming that, in terms of cultural, social and political perspective, is *decreasingly* diverse, *decreasingly* vital, *decreasingly* innovative, *decreasingly* local, and *decreasingly* apt as a tool for citizens' education, or to help keep self-government accountable.

We can't, in a free society, compel locally originated and incisive programming, but we can create an environment in which it is more possible.

What would our founding pamphleteers Benjamin Franklin and Thomas Paine say to that? What if the Times and Tribune and Christian Science Monitor hogged all the news racks on the public street? Would you feel that to be acceptable?

Radio is the modern pamphlet, unique in it's potential for keeping alive the conversations in our communities about culture, local issues, politics and philosophy. And unlike television, cinema or print media, radio affords local call-ins and quick format changes to adapt to new and breaking circumstances. Also, it's less expensive and more portable than other media, and by its nature more local and more able to keep an eye on local government. And of course, non-commercial media is naturally less apt to soft-pedal on controversial issues, yet another reason why community-based radio is a vital mechanism for public accountability.

Yet with increasing consolidation of radio-frequency ownership, in both commercial and non-commercial uses, voices are becoming less varied, less local, and more constrained. At the same time, due to technological and market developments, radio frequency utilization has become more efficient and more proficient, thus use of all radio frequencies has intensified.

Due to technological developments there are an increased number of radio frequencies left unused. Whose are they? Like public lands, waterways, skyways and other public rights-of-way, these radio frequencies are the natural property of the people of this country. (Fed. Communications Act of 1936, as amended.)

Thomas Jefferson spoke of the natural right of the common ownership of such public resources, noting that,

“Whenever there are in any country uncultivated lands and unemployed poor, it is clear

that the laws of property have been so far extended as to violate natural right. The earth is given as a common stock for man to labor and live on. If for the encouragement of industry we allow it to be appropriated, we must take care that other employment be provided to those excluded from the appropriation. If we do not, the fundamental right to labor the earth returns to the unemployed.” (Thos. Jefferson, letter to James Madison, from Fontainebleau, October 28, 1780.)

Those who, along with Jefferson, framed our country’s public democratic philosophy, well-stated the case for public natural right to common access to public airwaves, more than a century before their realization.

The founders of this country also acknowledged the fact that because competition for public resources typically resolved in favor of those with money and power, it was necessary to jealously protect our natural public interests. Regulatory entities such as the FCC are the only bulwark for protecting the public’s interest in common resources such as radio frequencies.

Public and community voices, especially those with less access to mainstream and/or licensed broadcasters, deserve the access, and we - as a democratic republic based upon our citizens’ common rights and fundamental co-ownership of public resources - need to ensure these resources are cultivated to produce the sort of accountability, awareness and communication such use can bring.

Whether the broadcasting is licensed and entitled to continued use of a given frequency, or unlicensed, ad hoc or temporary, it is a practical application of common resources for the public good. And it would not occur but for the dissenting and/or non-mainstream voices that long to be heard despite political and commercial pressure, and go to great lengths to be heard; they voices, even if unpopular - especially if unpopular - should not be stymied.

I hope you, in particular the FCC, heed Jefferson’s prescient caution, and if you must err at all, to err on the side of permitting use of unused frequencies by non-profit community-based entities and local low-power-FM broadcasters.

The only risk? It may lead to more communication, more local voice, greater awareness of the medium and the potential for greater governmental accountability.

Thanks for your consideration.

Sincerely,

David R. Fertig  
Pasadena, California